REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-5 were pending in this application. Claims 2 has been amended and claims 6-14 have been added. Accordingly, claims 1-14 will be pending herein upon entry of this Amendment. Support for the amendments to claim 2 and new claims 6-14 can be found in the specification of the present application. For the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

In the Office Action mailed February 6, 2003, claim 2 was rejected under 35 U.S.C. § 112, second paragraph, and claims 1-5 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,426,961 to Nimmagadda et al. ("Nimmagadda") in view of U.S. Patent No. 6,075,814 to Yamano et al. ("Yamano"). The Examiner is thanked for the thorough review and examination of the application.

In response to the Office Action, Applicants have amended claim 2 to correct the indefiniteness cited by the Examiner. Applicants also have added claims 6-14, which are believed to further recite patentable subject matter. Applicants submit that existing independent claims 1 and 5 and new independent claims 6, 10, and 12 are distinct from Nimmagadda or Yamano, taken singly or in combination.

Claims 1 and 5 are directed respectively to a method and system in which only those parts of a high-bit-rate transmission device are operated that evaluate a criterion indicating a beginning of a data transmission, until an occurrence of such criterion. The Office Action

acknowledges that Nimmagadda fails to teach or suggest these limitations. Yamano discloses a modem on a subscriber side of a subscriber line, which enters a "standby mode" upon detecting the presence of "idle information." (Yamano, Abstract, Figure 10).

As a first matter, Yamano does not disclose "a high-bit-rate data transmission device that terminates a subscriber line at a telephone exchange side" and that operates "only those parts of the high-bit-rate data transmission device[] that evaluate[s] a criterion indicating a beginning of a data transmission," as in claim 1. Instead, Yamano appears to be directed solely to a modem that operates along with consumer computer equipment on the subscriber side. Similar to claim 1, claim 5 recites a "second high-bit-rate data transmission device connected to the network side of the subscriber line ... having at least one second part ... for evaluating a criterion ... for purposes of activating said second high-bit-rate data transmission device."

Secondly, Yamano does not disclose a component that "evaluate[s] a criterion indicating a beginning of a data transmission," as recited in claim 1. In contrast, Yamano teaches that the "receiver circuit monitors the analog signal to detect the presence of idle information," and the modem enters a standby mode upon detecting "idle information." (Yamano, Abstract.) Thus, instead of monitoring a signal indicating the *beginning* of data transmission, Yamano performs monitoring to detect the *absence* of data transmission. Again, similar to claim 1, claim 5 recites a "second high-bit-rate data transmission device ... for evaluating a criterion which indicates a beginning of a transmission."

Accordingly, Applicants respectfully submit that claims 1 and 5 are patentably distinct from the combination of Nimmagadda and Yamano. Applicants additionally submit that claims 2-4 are also patentable based upon their dependency from a patentable claim.

Newly added claims 6-14 are also directed to methods and systems in which there is a signaling tone detector that monitors a subscriber line for presence of a pilot tone, and components for transmitting data by a high-bit-rate transmission device are only operated upon detection of the pilot tone. Neither Yimmagadda nor Yamano, taken singly or in combination, teaches or suggests use of a signaling tone detector for detecting a pilot tone, for activating parts for transmission in a high-bit-rate transmission device. Accordingly, Applicants respectfully submit that new claims 6-14 are also patentable.

Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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Respectfully submitted,

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Date: May 6, 2003

By: _____
Michel A. Oblon
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Attachments: Amended Claim w/ Markings

VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIM

2. (Amended) The method according to claim 1, [further comprising the step of: given use of an xDSL system for high-bit-rate data transmission, evaluating] wherein signaling tones that respectively occur in upstream channels and downstream channels are evaluated as the criterion indicating a beginning of a data transmission.